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**FILED**

NOV 17 2005

Attorneys for Defendants  
 TOM TIMMER, ANN TIMMER,  
 the *F/V BOUNTIFUL* and the *F/V DONITA*

**RICHARD W. WIEKING**  
 CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JOSEPH F. ARISPE,

Plaintiff,

v.

TOM TIMMER and ANN TIMMER, *in*  
*personam*, et. al.

Defendants.

Case No.: C 03 4269 CRB ARB

**STIPULATION AND**  
**~~PROPOSED~~ ORDER**  
**AUTHORIZING ENTRY**  
**ABOARD THE *F/V DONITA***  
**DURING ITS DETENTION TO**  
**PROVIDE NECESSARY**  
**MAINTENANCE**

IT IS HEREBY STIPULATED by and between the parties to this action, through their respective counsel, that **good cause** exists to allow certain members of the crew of the *F/V Donita* and maintenance workers to enter upon the vessel to conduct and complete necessary repairs to the vessel, while it is under the detention of the United States Marshal service and/or substitute custodian, prior to the opening of the dungeness crab season on December 1, 2005 in the Crescent City area.

The parties agree that the following individuals may be allowed access to the vessel to conduct and complete the ongoing necessary repairs:

1. Ron Story, Captain;
2. Lyle Wise, crewmember;
3. Jeremy Green, crewmember;
4. Jesse Campos, crewmember;

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5. Lennis Storie, electrician; and,

6. Dave Dougherty, welder.

It is further agreed that these individuals may access the vessel beginning November 16, 2005 and continuing through December 1, 2005, by reason of this stipulation and proposed order. If for any reason the issues regarding the detention of the *F/V Donita* are not resolved by December 1, 2005, the parties may request additional leave of court for additional relief.

Dated: November 17, 2005

BANNING, MICKLOW, BULL & LOPEZ  
Attorneys for Plaintiff  
JOSEPH F. ARISPE

By   
Edward M. Bull, III

Dated: November 16, 2005

COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP  
Attorneys for Defendants  
TOM TIMMER, ANN TIMMER, the *F/V*  
*BOUNTIFUL* and the *F/V DONITA*

By   
Terence S. Cox

### ORDER

Good cause appearing it is ordered that the following individuals be allowed to access the *F/V Donita* to complete necessary repairs to the vessel prior to the opening of the dungeness crab season on December 1, 2005 in the Crescent City area:

7. Ron Story, Captain;
8. Lyle Wise, crewmember;
9. Jeremy Green, crewmember;
10. Jesse Campos, crewmember;

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11. Lennis Storie, electrician; and,

12. Dave Dougherty, welder.

Dated: November 17, 2005

By

The Honorable Charles R. Breyer  
United States District Judge

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